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09/602,665	06/26/2000	Majid Mir	99-308	2942
26161	7590	12/08/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			MAUNG, ZARNI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Page

Office Action Summary

Applicati n N .

09/602,665

Applicant(s)

MIR, MAJID

Examiner

Zarni Maung

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-- The MAILING DATE of this c mmunication appears on the cover sheet with the corresp ndence address --

Peri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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DETAILED ACTION

1. This action is responsive to the amendment and remarks filed on September 29, 2003. Claims 1-2, 4-12 are presented for further examination, and claim 3 has been canceled.
2. The title of the invention is still not descriptive and imprecise. A new title is required which should include, with up to twenty words, within the title some claimed features which differentiates the invention from the Prior Art. For example, the improvement of the present invention should be reflected within twenty words.
3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:
A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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4. Claims 1-2, 4-12 are rejected under 35 U.S.C. § 103 as obvious over Shrader et al., U.S. Patent Number 5867713 (hereinafter Shrader), in view of Fitzgerald et al., U.S. Patent Number 5581764 (hereinafter Fitzgerald).

5. Shrader discloses a system and method for changing of a network infrastructure (see abstract). Shrader discloses the invention substantially as claimed. Taking claim 1 as an exemplary claim, Shrader discloses a method for changing of a network infrastructure, comprising:

creating a change plan that comprises instructions about how a change is to be performed (see abstract; column 2, lines 41-47, figure 3 C, column 9, lines 2-41; Plan construction); associating said change plan with one of a plurality of change categories corresponding to a type of change that is describe in the change plan (see column 2, lines 41-47, figures 3 C, 3 D, column 6, lines 41-60, column 7, lines 28-62, column 8, lines 50-65; Group-in-plan, and category-in-plan, Cat object corresponding to the change plan); providing said change plan to affected entities for approval (see column 2, lines 47-54; column 9, line 42 to column 12, line 48, validating the plans); and implementing said change plan after approval has been provided by the affected entities (see column 2, lines 47-54; column 9, line 42 to column 12, line 48); wherein said responsible entities are selected based on, and said change plan is approved in accordance with, rules related to each of said change categories into which said

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change plan was associated (see column 2, lines 47-54; column 9, line 42 to column 12, line 48).

6. Shrader does not explicitly show the method for managing the changing of a network infrastructure as claimed. However, Shrader suggests the process of changing a network infrastructure (see abstract). Fitzgerald, in the same filed of endeavor, discloses a system and method for managing the changing of a network (see abstract; column 7, line 50 to column 8, line 26). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shrader by including the process of managing the changing of a network because Shrader suggests the use of administrator to monitor the changing process (see column 1, lines 15-62). One of ordinary skill in the art would have been motivated to modify Shrader by including the process of managing in view of Fitzgerald, because doing so would enabled the changing process to operate in a sufficient manner.

Shrader does not explicitly show the process of opening a change ticket that includes a change plan. However, Shrader discloses the process of opening a change file or object that includes a change plan (see column 8, lines 9-65, GroupIP object; column 7, line 28 to column 8, line 49, AppIP object containing CustFile and CatIP; see column 11, lines 43-56, apply customization files). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shrader by opening a change ticket that includes a change plan in view of opening a

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change file or object that includes a change plan. One skilled in the art at the time the invention was made to recognize that indicating a plan in the form of a ticket, a file or an object involves only routine skill in the art.

7. As per claim 2, Shrader discloses the method of claim 1, wherein said affected entities are unknown to at least one other entity involved in said method (see column 2, lines 5-67, stations not included in group-in-plan).

8. As per claim 4, Shrader discloses the method of claim 1, wherein said change plan is accessible by a work-flow engine (see column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63).

9. As per claim 5, Shrader discloses the method of claim 4, wherein said work-flow engine is implemented through use of a computer system (see column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63).

10. As per claim 6, Shrader discloses the method of claim 1, wherein said affected entities comprise one of a customer, a duty manager, a change coordinator, a change approver, and an operations center (see column 2, line 5 to column 5, line 54; column 7, line 28 to column 8, line 49; column 10, line 10 to column 12, line 63; workstation, LAN server 48, LCU, LAN CID utility, CustFile, CatIP, and WksIP objects).

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11. As per claim 7, Shrader discloses the method of claim 1 wherein said change categories include one of scheduled change, unscheduled change, and event response (see column 7, line 27 to column 11, line 54; CustFile, CatIP, and WksIP objects).

12. As per claims 8-12, they do not teach or further define over the limitations recited in claims 1-7 above. Therefore, claims 8-12 are also rejected for the similar reasons set forth in claims 1-7, supra.

13. Applicant's arguments filed on September 29, 2003, have been fully considered but they are not persuasive.

As per applicant's arguments filed on September 29, 2003, the applicant argues in substance that Shrader does not teach the "opening a change ticket that includes a change plan having instructions about how a change is to be performed".

In reply, Shrader discloses the process of creating a change plan that comprises instructions about how a change is to be performed (see abstract; column 2, lines 41-47, figure 3 C, column 9, lines 2-41; Plan construction). Shrader does not explicitly show the process of opening a change ticket that includes a change plan. However, Shrader discloses the process of opening a change file or object that includes a change plan (see column 8, lines 9-65, GroupIP object; column 7, line 28 to column 8, line 49, ApplP object containing CustFile and CatIP; see column 11, lines 43-56, apply

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customization files). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Shrader by opening a change ticket that includes a change plan in view of opening a change file or object that includes a change plan. One skilled in the art at the time the invention was made to recognize that indicating a plan in the form of a ticket, a file or an object involves only routine skill in the art.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052. Additionally, the fax numbers for Group 2100 are as follows:

Official Faxes: (703) 746-7239

After Final Responses: (703) 746-7238

Draft Responses: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.


ZARNI MAUNG
PRIMARY EXAMINER